

REMARKS

Upon entry of the present election, Applicant will have elected with traverse the invention defined as the species shown in Fig. 2 and the subspecies with the securing ring and comprising at least claims 1-21, 37, 40, 47 and 48. However, Applicant reserves the right to have withdrawn dependent claims rejoined pursuant to M.P.E.P. Section 821.04, if and when generic claims are found allowable.

In the Restriction/Election Requirement the Examiner has determined that five distinct species of generic inventions are contained in this application, namely:

Species A – Vibration damping ring insert with closed hollow cylinder casing and external concentric retaining groove (Fig 2);

Species B – Vibration damping ring insert with slotted hollow cylinder casing and spring arms (Fig 3A and B);

Species C – Vibration damping ring insert with closed hollow cylinder casing and retaining spring arrangement 1<sup>st</sup> connecting element with or without retaining bolt (Fig 4 and 7);

Species D – Vibration damping ring insert with closed hollow cylinder casing and threaded connector 1<sup>st</sup> connecting element with or without a screw bolt (Fig 5 and 8);

Species E – Vibration damping ring insert with closed hollow cylinder casing and locking screw-in connector 1<sup>st</sup> connecting element and threaded bolt 2<sup>nd</sup> connecting element

(Fig 6).

Moreover, each of these species can include a subspecies with or without a secured ring:

1. Vibration damping ring insert Species A-E (incorrectly identified as A-F) with a securing ring; or
2. Vibration damping ring insert Species A-E (incorrectly identified as A-F) without a securing ring.

Applicant submits that the election requirement set forth by the Examiner omits one of the two criteria for a proper election requirement now established by the U.S. Patent and Trademark Office policy. As set forth in M.P.E.P. § 803 "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the restriction were not required. Because the claims of the various groups are so closely related, it is submitted that there is no serious burden on the Examiner in examining all of the claims together. Furthermore, as noted above, the search for all of the claims includes at least some amount of overlap. Thus, no serious burden would come to bear on the Examiner.

For this reason, and consistent with the office policy as set forth in M.P.E.P. § 803, 1850 and 1893.03(d), Applicant respectfully requests that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application. Accordingly, the Examiner's restriction requirement

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is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicant has elected with traverse the invention defined by the Examiner as the species shown in Fig. 2 and the subspecies with the securing ring directed to at least claims 1-21, 37, 40, 47 and 48 in order to be fully responsive and in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

The Commissioner is hereby authorized to charge any fees necessary for consideration of this paper to deposit account 09-0458.

Should the Examiner have any further comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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